

Final Evaluation Findings

Connecticut Coastal Management Program

September 1997 – March 2003



Office of Ocean and Coastal Resource Management
National Ocean Service
National Oceanic and Atmospheric Administration



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I. OVERVIEW

The Coastal Zone Management Act (CZMA) of 1972, as amended, established the Coastal Zone Management Program. Section 312 of the CZMA requires the National Oceanic and Atmospheric Administration (NOAA) to conduct periodic performance reviews or evaluations of federally approved Coastal Management Programs. The most recent evaluation of the Connecticut Coastal Management Program (CTCMP) examined the operation and management of the program during the period of September 1997 through March 2003. The Connecticut Department of Environmental Protection (DEP) administers the CTCMP.

This document describes the evaluation findings of the Director of NOAA's Office of Ocean and Coastal Resource Management with respect to CTCMP during the review period. The fundamental conclusion of this evaluation of CTCMP is that DEP is successfully implementing and enforcing its federally approved Coastal Management Program. The recommendations made by this evaluation appear in boxes and follow the relevant section of findings. Two types of recommendations are possible: (1) **Necessary Actions** address programmatic requirements and *must* be implemented by the indicated date; and (2) **Program Suggestions** describe actions that NOAA believes DEP should take to improve the program but that are not currently mandatory. Program Suggestions that are reiterated in consecutive evaluations due to continuing problems may be elevated to Necessary Actions. If no dates are indicated, DEP is expected to address the recommendations by the time of the next §312 evaluation. This document contains three Program Suggestions and one Necessary Action. NOAA will consider the findings made by this evaluation when making future financial award decisions regarding CTCMP.

II. PROGRAM REVIEW PROCEDURES

A. OVERVIEW

NOAA began its review of CTCMP in January 2003. The §312 evaluation process involves four distinct components:

- An initial document review and identification of specific issues of particular concern;
- A site visit to Connecticut including interviews and a public meeting;
- Development of draft evaluation findings; and
- Preparation of the final evaluation findings, partly based on comments from the state regarding the content and timetables of Necessary Actions specified in the draft document.

B. DOCUMENT REVIEW AND ISSUE DEVELOPMENT

The evaluation team reviewed a wide variety of documents prior to the site visit, including: (1) the federally approved Environmental Impact Statement and program documents; (2) financial assistance awards and work products; (3) semi-annual performance reports; (4) official correspondence; (5) previous §312 evaluation findings; and (6) relevant publications on natural resource management issues in Connecticut.

Based on this review and on discussions with the Office of Ocean and Coastal Resource Management's (OCRM) Coastal Programs Division, the evaluation team identified the following priority issues:

- The effectiveness of the DEP in permitting, monitoring and enforcing the core authorities that form the legal basis of CTCMP;
- The manner in which CTCMP is monitoring, reporting and submitting program changes;
- The manner in which CTCMP provides technical assistance to local governments on coastal issues;
- The manner in which CTCMP coordinates with other federal, state and local agencies and programs;
- The status of federal financial assistance awards;
- The implementation of state and federal consistency authority; and

- The manner in which the state has addressed the recommendations contained in the previous §312 Evaluation Findings released in 1998.

C. SITE VISIT TO CONNECTICUT

Notification of the scheduled evaluation was sent to DEP, CTCMP, relevant federal environmental agencies, members of Connecticut's Congressional Delegation and regional newspapers. In addition, a notice of NOAA's "Intent to Evaluate" was published in the *Federal Register* on January 22, 2003.

The site visit to Connecticut was conducted on March 31 – April 4, 2003. Ms. Rosemarie McKeeby, Evaluation Team Leader, OCRM National Policy and Evaluation Division; Ms. Allison Castellan, CTCMP Specialist, OCRM Coastal Programs Division; and Ms. Tracy Silvia, Senior Environmental Scientist, Rhode Island Coastal Management Program, formed the evaluation team.

During the site visit, the evaluation team interviewed CTCMP staff, senior DEP and other state officials, federal agency representatives, interest group representatives and private citizens. Appendix B lists people and institutions contacted during this review.

As required by the CZMA, NOAA held an advertised public meeting on April 2, 2003, at 7:00 p.m., at the Department of Environmental Protection's Marine Headquarters, 333 Ferry Road, Old Lyme, Connecticut. The public meeting gave members of the general public the opportunity to express their opinions about the overall operation and management of CTCMP. Appendix C lists individuals who registered at the meeting. Appendix D contains NOAA's response to written comments received.

The crucial support of CTCMP staff with the logistics and planning of the site visit is gratefully acknowledged.

III. COASTAL AREA DESCRIPTION

Long Island Sound is often characterized as an “Urban Sea.” This is an accurate description of Connecticut’s coastal area, which has historically been the center of intense industrial, commercial and residential activity. Residential use of much of Connecticut’s shoreline – except for the ports of Stamford, Norwalk, Bridgeport, New Haven, New London and Norwich – began as seasonal dwellings. However, changes in land use patterns following World War II and the corresponding residential and corporate exodus from the New York metropolitan area changed the residential mix from seasonal to permanent. Vacant shorefront land and open space in Connecticut’s heavily developed coastal area is at a premium.

The coastal seaboard, waters and resources of Long Island Sound form a unique and fragile coastal ecosystem. Connecticut’s 98-mile long coastline lies along the northern edge of Long Island Sound. Connecticut’s total shoreline frontage, including tidal rivers and embayments, is more than 550 miles. Forty percent of Connecticut’s population lives in the state’s 36 coastal towns, with the majority of the coastal population located in the southwestern portion of the state proximate to New York City.

Connecticut’s coastal landscape is characterized by low, rolling hills and occasional rocky lands interposed by sand and gravel plains. The shoreline comprises sandy beach, glacial drift, artificial fill, bedrock and combined tidal wetland and undifferentiated tidal river shores. The sandy beach portion of the shoreline includes 79 miles of frontage; 62 percent is privately owned, 28.5 percent is municipally owned, and 9.5 percent is state owned. While municipally-owned beaches are currently considered to be open to the general public as a result of the *Leydon*¹ decision, not all such beaches are readily accessible to nonresidents of the municipality due to a lack of awareness, lack of parking, or differential access fees.

¹ *Leydon v. Greenwich*, 257 Conn. 318 (July 26, 2001)

IV. PROGRAM DESCRIPTION

NOAA approved CTCMP in 1980; the program is currently in its 23rd year of implementation. CTCMP is based primarily on three laws and their implementing regulations:

- *Connecticut Coastal Management Act* – establishes a comprehensive coastal resource management program.
- *Structures and Dredging Act* – provides for general state regulation of activities in tidal, coastal and navigable waters.
- *Tidal Wetlands Act* – regulates development in tidal wetlands.

The Inland Wetland and Watercourses Law, Air Pollution Control Laws, Water Pollution Control Laws, Coves and Embayments Act and the Harbor Management Act, among others, provide additional authorities to manage land and water uses within the state's coastal zone.

The Connecticut coastal zone is established by statute and consists of a two-tiered management boundary. The first tier extends seaward to the limit of the state's jurisdiction in Long Island Sound. Inland, it extends to 1,000 feet from mean high water, 1,000 feet from the inland boundary of state regulated tidal wetlands, or the continuous interior contour elevation of the 100 year frequency coastal flood zone, whichever is farthest inland. The second tier includes the area inland of the first tier landward to the boundary of the first coastal municipality.

The coastal management boundary is intended to encompass: (1) all coastal waters, (2) all nearshore lands with the potential to significantly impact coastal waters, (3) lands prone to coastal flooding, and (4) unique resources. The CCMA specifically identifies fourteen coastal resources that are to be managed by the coastal program, including bluffs and escarpments, rocky shorefronts, beaches and dunes, islands and shellfish areas.

The Connecticut DEP is the primary state permitting agency for public and private development activities in the coastal zone, and it is the designated state agency to receive federal funds for CTCMP implementation. DEP is responsible for coordinating with other state agencies to ensure consistent administration of the Connecticut Coastal Management Act. DEP's Office of Long Island Sound Programs (OLISP) is responsible for coordinating all of the Department's activities related to Long Island Sound, including the implementation of CTCMP.

Local governments implement portions of the coastal program by conducting coastal site plan reviews, which are required by the Connecticut Coastal Management Act for development activities located within the first tier of the coastal zone. The coastal site plan review is conducted in coordination with zoning subdivision or other local-government permit reviews. Local governments must find that all proposed

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developments are consistent with the state's coastal policies. DEP also encourages coastal municipalities to develop voluntary municipal coastal programs and has provided financial support to municipalities to review and revise town plans and zoning and subdivision regulations. These efforts have facilitated the production of coordinated local plans that are consistent with state policies and criteria.

IV. ACCOMPLISHMENTS, REVIEW FINDINGS AND RECOMMENDATIONS

A. OFFICE OF LONG ISLAND SOUND PROGRAMS (OLISP)

Coordination

The evaluation team was very impressed with OLISP's highly successful coordination with other programs both within DEP as well as with external federal, state, municipal, academic, industrial and private agencies and organizations. During the site visit, the evaluation team consistently heard from interview subjects about OLISP's strong coordination with them and with other groups. The work of the interagency Coastal Nonpoint Source Workgroup, reissuance of the Programmatic General Permit and development of the aquaculture permitting process, participation in the Lower Connecticut River Roundtables, work on the New London/Pfizer redevelopment projects, formation of the Long Island Sound Stewardship System with the National Estuary Program and others, creation of the Clean Marina Program, development of consistent interstate consistency language with New York, and restoration efforts in tidal wetlands are just some of the many examples that highlight OLISP's coordination with its partners. Through partnerships with other agencies and organizations, OLISP strengthens its own programs by pooling the resources and expertise of many different groups. OLISP's proactive approach to coordination by involving partners early in any process or project improves efficiency and allows problems to be addressed before they escalate. NOAA commends OLISP for its excellent coordination with its partners and encourages it to maintain these efforts.

Structure

Connecticut, like many other states, currently faces a serious budget deficit. During the fall of 2002, Connecticut's legislature convened a special session to find ways to reduce the state's \$0.5 billion budget shortfall. Resulting layoffs affected nearly 3,000 state employees.² In February 2003, the legislature passed a stopgap budget bill that included an early retirement package. More than 200 DEP employees are eligible for early retirement, and many high level Bureau Chiefs and Directors opted to take the package.³ In light of this situation, DEP's Commissioner will analyze the current structure of the Department and will likely propose some type of reorganization. Given that OLISP's current organization clearly facilitates its high level of effectiveness, the evaluation team was concerned about a potential reorganization. However, during his meeting with the evaluation team, the Commissioner noted that he would like the Department as a whole to become more integrated, and that he views OLISP as a model for others to follow.

² OLISP lost five positions during the layoffs.

³ An OLISP Office Assistant opted to accept the early retirement package. Additionally, OLISP's Assistant Director began serving as the interim Director of the Water Management Bureau's Planning and Standards Division immediately following the evaluation site visit.

1. PROGRAM SUGGESTION: As it is currently organized, OLISP is a well-integrated, efficient and effective program that links planning, permitting and scientific staff in the same office. A reorganization of OLISP could disrupt the office's operations and create barriers to effective communication and coordination. Therefore, NOAA strongly recommends that OLISP's current structure be maintained and used as a potential model for other programs.

B. COASTAL MANAGEMENT PROGRAM UPDATES

Program Document

Although OLISP has not had adequate resources to update the entire Connecticut Coastal Management Program Document as recommended during the last §312 evaluation, the Office has made significant progress. OLISP has taken a modular approach by updating the elements that are most important for program standards and consistency determinations in a user-friendly "Coastal Management Manual," available in hard copies and electronically on OLISP's website. The Manual contains fact sheets identifying coastal resources and policies. Several fact sheets address nonpoint source pollution issues in stormwater management, watershed management and vegetative and tidal wetland buffers. The updated Coastal Management Manual is considerably easier to use than the CTCMP Final Environmental Impact Statement and was distributed to all coastal municipalities and other applicable state, federal and private agencies. In the fall of 2000, OLISP conducted six regional workshops in Stamford, Stratford, New Haven, Branford, Waterford and Old Saybrook to introduce the Manual to local planning and zoning staff and commissioners. The workshops included a refresher course in coastal management and a hands-on practicum analyzing mock coastal site plans. More than 120 people attended the workshops. Subsequently, OLISP has presented the workshop to municipalities upon request when staff or commissioners have changed. The Coastal Management Manual and workshops have been well received by the municipalities. NOAA applauds OLISP's innovative development of the Coastal Management Manual and encourages the Office to continue updating the Program Document as resources allow.

Program Changes

One function of §312 evaluations is to determine if changes have occurred in the program during the review period and whether those changes have been submitted to NOAA for processing as program amendments or routine program changes (RPCs). NOAA's regulations define amendments as substantial changes in one or more of the following coastal management program areas: (1) uses subject to management, (2) special management areas, (3) boundaries, (4) authorities and organization, and (5) coordination, public involvement and the national interest. An RPC is a further detailing of a Coastal Management Program that does not result in substantial changes to the program.

Since CTCMP's approval in 1980, OLISP has submitted two sets of program changes to NOAA. The first set of program changes, a general update of existing authorities, was

submitted in 1983. The second set of program changes was submitted in 1992 and brought the Long Island Sound License Plate Program into CTCMP. Based on this record, most of Connecticut's core authorities have not been updated officially and appear to be inconsistent with statutory amendments and current procedures.

OLISP historically has been reluctant to submit program changes, viewing them as a burdensome paperwork exercise of limited value. Because there have been few substantive changes to CTCMP's core statutes, OLISP has regarded the need to update program changes essentially as an administrative record-keeping matter. These views are understandable, given OLISP's limited staff. Nevertheless, in addition to being a statutory requirement of the CZMA, formal incorporation does have inherent value. NOAA acknowledges that guidance for program changes, i.e. auto-incorporation of the Coastal Nonpoint Program, has been unclear. Furthermore, NOAA has not emphasized Connecticut's need to prepare and submit program changes in the past due to staffing constraints both at OLISP and at NOAA. Although OLISP did develop a schedule for submitting program changes several years ago, the schedule needs to be updated. However, NOAA is encouraged by OLISP's recent reinvigoration of its efforts to develop program change submittals. Staff has been working with NOAA's CTCMP Specialist to create a list of program changes and draft format for submittals, beginning with the Connecticut Coastal Management Act, which is the crux of CTCMP.

2. NECESSARY ACTION: OLISP should continue to work with NOAA's CTCMP Specialist to develop a schedule for submitting program changes on a regular basis within one month of receipt of the Final Evaluation Findings. OLISP should continue to focus on the Connecticut Coastal Management Act and then proceed to other core statutes such as the Inland Wetlands and Watercourses Act; Tidal Wetlands Act; Structures, Dredging and Fill Act; Stream Encroachment; and Harbor Management Act. Finally, OLISP should address tertiary supporting regulations and statutes containing policies identified in the Program Document.

C. FEDERAL CONSISTENCY

OLISP is responsible for determining the consistency of federal activities and licenses with the federally approved CTCMP. Coastal permitting staff takes the lead for activities occurring waterward of the high tide line in tidal, coastal and navigable state waters. Coastal planning staff is the point of contact for most federal consistency issues that do not require review of specific in-water projects. While staff is regularly involved with a wide variety of federal agencies on routine matters such as fisheries management, they have also dealt with considerably more complex issues. NOAA commends OLISP on its strong use of the federal consistency process and its excellent work on many complicated federal consistency projects, several of which are described below.

Airport Runway Safety Areas

OLISP staff has been heavily involved in federal consistency issues with the Federal Aviation Administration (FAA) regarding safety improvement to and potential expansion of the state's three coastal airports: Groton/New London, Tweed (New Haven) and

Sikorsky (Stratford). FAA requirements for Runway Safety Areas (RSA) can conflict with coastal management area resource protection policies, since RSA construction often necessitates filling tidal wetlands and coastal waters. OLISP staff is working with the FAA to resolve these issues and to develop procedures for appropriate federal consistency analysis.

Federal Activity List

OLISP staff has nearly completed revision of the existing CTCMP lists of federal activities, permits and licenses, Outer Continental Shelf activities and federal assistance programs subject to federal consistency review. Particularly noteworthy is a joint effort by OLISP staff and New York Department of State staff to develop a consistent geographic description of each state's respective areas of concern in Long Island Sound. This effort will result in federal agencies responding to the same description regardless of whether an activity is proposed in the waters of Connecticut or New York.

Connecticut's Programmatic General Permit

On May 15, 2001, the U.S. Army Corps of Engineers reissued Connecticut's Programmatic General Permit (PGP). The PGP provides a simplified and expedited federal review process for activities within Corps jurisdiction under §404 of the Clean Water Act and §10 of the Rivers and Harbors Act of 1899. The PGP allows projects with minimal individual and cumulative effects on the aquatic environment to be approved administratively following discussion at the monthly joint processing meeting in which the Corps, federal resource agencies and OLISP participate. Minimal impact activities may be classified as Category I (eligible without screening, non-reporting) or Category II (may be eligible, determination of eligibility made during the processing meeting). In both instances, the PGP is valid only after the applicant receives all necessary state and local approvals. Projects with the potential for larger impacts do not qualify for PGP approval and are subject to individual permit review by the Corps.

One significant revision to Connecticut's PGP was made to reflect the recent transfer of permitting authority over certain aquaculture activities from DEP to the Connecticut Department of Agriculture. The Department of Agriculture received exclusive permitting authority over individual structures used for aquaculture when placed in leased or designated shellfish areas. The transfer of permitting authority necessitated development of a screening process for aquaculture activities and a clarification of the roles of DEP and the Department of Agriculture within the framework of the PGP. The PGP was revised to specify that the Department of Agriculture, upon receipt of an application for marine based aquaculture projects, would forward the permit application to the Corps, DEP Boating Division, DEP Marine Fisheries Division and OLISP. The Corps, federal resource agencies and OLISP will screen the application packages with input from DEP's Boating and Marine Fisheries Divisions at the monthly processing meetings, which also will initiate OLISP's review of the application for consistency concurrence. If OLISP or a federal agency determines that a particular aquaculture activity is not eligible for authorization under the PGP, an individual permit will be required.

D. COASTAL PERMITTING

OLISP's Permitting and Enforcement Section has responsibility for reviewing and processing permit applications for all work in tidal wetlands and in tidal, coastal and navigable state waters. The Section is also responsible for enforcement. The goal of OLISP's permit review is to avoid or to minimize impacts to coastal resources and navigation and to minimize encroachment into public trust waters.

Three types of permits are available: (1) individual permits, (2) certificates of permission and (3) general permits. Individual permits are typically required for new construction and other work requiring a detailed review of potential environmental impacts. The process requires public notice and the opportunity for comment. In cases with potential tidal wetlands impacts, the individual permit process provides the opportunity for a public hearing. Certificates of permission are available for minor activities such as upkeep of existing structures and maintenance dredging of areas previously dredged under permit. State statute requires that certificates of permission be issued within 90 days of DEP's receipt of the application. General permits are issued to authorize similar minor activities by one or more applicants and cover activities such as construction of small residential docks posing no environmental impacts; installation of moorings, buoys and markers, osprey platforms, swim floats and pump-out facilities; and coastal remediation activities required by DEP administrative order.

Applicants for U.S. Army Corps of Engineers permits for work requiring excavation or resulting in discharge of dredged or fill material into the waters of the United States, including wetlands, may also be required to obtain a state Water Quality Certificate from OLISP pursuant to §401 of the federal Clean Water Act. Such work or discharge must be consistent with the provisions of the Clean Water Act and with the Connecticut Water Quality Standards. Generally, OLISP provides certification in conjunction with issuance of a state permit under the structures, dredging and fill statutes. In some cases, work may qualify for authorization under the Corps Programmatic General Permit.

In reviewing permit applications, OLISP coordinates extensively with DEP Resource Analysts, including Fisheries Division and Wildlife Division staff; other state agencies such as the Department of Agriculture's Bureau of Aquaculture; and federal agencies, including NOAA's National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (USFWS) and the U.S. Environmental Protection Agency (USEPA). OLISP's participation in monthly joint permit processing meetings typically held in Concord, Massachusetts, with the Corps New England District, NMFS, USFWS and USEPA, further facilitates coordination. Additionally, staff attends monthly permit status meetings with Connecticut's Department of Transportation to coordinate and review progress on Transportation's infrastructure projects. Several permitting project highlights are described below.

Fisher's Island Ferry District

The Fisher's Island Ferry District project proposed expanding the Fisher's Island Ferry Terminal in New London by placing 32,000 cubic yards of fill to serve as the base for

construction of a new terminal. The expansion is needed to alleviate congestion and to create a safer vehicle queue area. Fill is needed to support the terminal due to the weight of commercial truck and passenger vehicle traffic. OLISP invested many hours reviewing this project due to the volume of proposed fill. Extensive coordination with state and federal resource agencies was needed to explore all alternatives, to determine the volume of authorized fill, and to research acceptable mitigation projects as compensation for benthic habitat loss. Due to the lack of acceptable sites for mitigation projects along the urban waterfront, Fisher's Island Ferry District agreed to fund and implement a project to improve fishery habitat in the Thames River basin. The mitigation project includes construction of a fishway on a dam in the upper Thames River. The fishway will open approximately 12 acres of currently inaccessible spawning habitat for anadromous fish.

City of Milford

Permit staff authorized a project to construct a public access fishing pier using Connecticut Open Space Grant funding. The city has been authorized to install a fixed pier with an octagonal-shaped pierhead. The pier will be accessible to those covered by the Americans with Disabilities Act (ADA), and approximately nine feet of the railing will be lowered to enable physically challenged users to fish. This project helped to raise the issue of ADA accessible fishing and prompted DEP's Fisheries Division to draft a list of recommendations to provide meaningful fishing opportunities to those covered by the ADA.

Cross Sound Cable Company, LLC

A permit was issued to the Cross Sound Cable Company (CSCC) for the installation of an electric current transmission and fiber optic cable system from New Haven to Shoreham, Long Island. An application for a similar proposal was originally submitted by TransEnergie for a location to the east but was withdrawn because of potential impacts to shellfish beds. The path proposed by CSCC further to the west utilizes the federal navigation channel in New Haven Harbor for part of its length and significantly reduced potential impacts to shellfish beds outside the channel. Prior to issuing the permit, staff conducted an exhaustive review of potential impacts to the environment and to navigation. Impacts to finfish from sedimentation during cable installation and electromagnetic fluctuations and temperature increases from cable operation were reviewed in coordination with DEP's Fisheries Division staff and National Marine Fisheries Service staff. The U.S. Army Corps of Engineers was consulted to establish an acceptable cable burial depth in the federal navigation channel. The Corps determined that a final burial depth of at least 48 feet below mean lower low water in the channel was enough to protect the cable from anchor drops and to allow for future deepening of the channel. The permit requires that the cable be buried six feet below the seabed outside the channel. A number of special conditions, many of which will become standards for future cable and pipeline projects, were developed for this permit. Most significant of these conditions are those that require pre- and post-installation benthic monitoring to determine the extent of resource impacts and the rates at which resources recover, as well as periodic inspections to determine if the cable remains in the installed location and at the required depth.

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Recently, CSCC submitted a post-installation survey revealing that the cable is not buried to the required depth in eight areas within the federal navigation channel. Seven of the areas consist of soft materials and unconsolidated rock, and the eighth area consists of bedrock and will likely require an alternative installation method. Approval of any alternative method will require careful review by OLISP and state and federal resource agencies. OLISP is currently prohibited from acting on applications for utility projects by a moratorium imposed by the legislature in 2002. The moratorium will expire in June 2003. OLISP has notified CSCC that if it begins operation of the cable before the cable is buried to the required depth, it will constitute a violation of the permit.

Staff Levels

As recommended in the 1997 §312 evaluation, OLISP has actively pursued ways to increase the number of staff available to process permit applications. These efforts have included using existing staff to provide voluntary, scheduled overtime, shifting existing staff resources within OLISP, and creating new positions. By November 2002, OLISP had achieved what it considered to be optimum staffing levels in the Permitting and Enforcement Section, two additional positions had been requested and approved, and candidates had been selected and accepted offers of employment. Unfortunately, due to statewide budget and staffing cuts, OLISP lost two members of its permit staff and had to rescind job offers for two other permitting positions. These positions were federally funded through the Coastal Zone Management Program.

The number of permit applications has continued to rise. In 2002, OLISP received more permit applications (399) than in any other year. Staff continues to focus on reviewing and acting on permit applications in a timely fashion and consistently have processed a large number of applications. The creation of the certificate of permission and general permit processes resulted in a dramatic decrease in permit processing time. The new electronic permit database also has facilitated shorter permit review time. Despite the recent decline in staffing, in 2002 OLISP achieved the shortest average permit processing time since undertaking the program in 1988. NOAA commends OLISP for its significant reduction in permit processing time despite staffing shortfalls and increased permit applications. NOAA also encourages OLISP to continue exploring ways to improve permitting efficiency through technological advances or through other means.

3. PROGRAM SUGGESTION: NOAA encourages OLISP and DEP to refill the vacant permit analyst positions as soon as possible as it is crucial for OLISP to have a full complement of permit analysts to process the increased number of applications efficiently. It would not only be unfortunate but also unnecessary for permit processing times to increase because OLISP lost federally funded permit analyst positions in an effort to correct the state budget shortfall.

E. COASTAL PLANNING

OLISP's Coastal Planning Section conducts planning and policy analysis. The Section is responsible for municipal, state and federal coastal management consistency for all

activities landward of the high tide line, and it also closely coordinates with coastal permit staff during review of activities that are wholly or partly below the high tide line. Staff members are assigned to specific coastal communities and serve as liaisons between the municipalities and other DEP units, as many coastal projects involve multiple permits and reviews. The Coastal Planning Section also coordinates special projects, conducts public outreach, and provides legislative, regulatory and administrative assistance to staff. NOAA applauds OLISP's Coastal Planning Section for its outstanding assistance to municipalities, innovative efforts in local waterfront revitalization, and strong commitment to public access, examples of which are described below.

Assistance to Municipalities

Among the most important functions of the CTCMP is the municipal liaison, which falls within the purview of OLISP's Coastal Planning Section. The section works with the state's 36 coastal towns to assess their revisions of essential development guidance mechanisms such as Town Plans of Conservation and Development, Municipal Coastal Programs, Harbor Management Plans, and zoning and subdivision regulations that must be developed and implemented consistent with Connecticut Coastal Management Act policy. OLISP's Coastal Planning Section also comments on coastal site plan review applications. Through years of cooperative partnerships, OLISP has been able to educate and empower municipal staff and to create essential linkages through which staff can both build local capacity and provide state level support on technically complex or politically sensitive issues. NOAA commends OLISP for the technical assistance and services that it provides to Connecticut's municipalities and encourages it to continue these efforts to the greatest extent practicable. As noted by a representative from the Town of Old Saybrook's Planning Department, technical assistance from the state will become even more valuable as municipalities are forced to cut staff and programs due to budget difficulties. The projects described below represent a selection of notable accomplishments in the municipal liaison field.

Municipal Grants

OLISP is passing through \$250,000 in NOAA funds to support 11 projects in nine coastal municipalities and coastal regional planning organizations. Projects include the development or revision of municipal coastal programs, harbor management plans, special coastal management planning studies and enhancements to local coastal management capacity. In FY03, OLISP plans to spend \$150,000 on pass-through grants to municipalities.

Lower Connecticut River Roundtables

OLISP staff has worked with the Connecticut River Gateway Commission, in conjunction with the Connecticut River Watershed Association and other interested organizations, to undertake a series of "River Roundtables" designed to develop a strategy for protecting the unique qualities of the lower Connecticut River. NOAA encourages OLISP to continue to foster regional workshops on key issues, e.g. megadocks and onsite sewer systems, and to develop target goals and standards as a result.

In addition, OLISP has funded the Connecticut River Gateway Commission through a municipal planning grant to conduct a public education and outreach project concerning proposed Gateway standards. The goal of the regional standards is to protect the natural and traditional character of the lower Connecticut River Conservation Zone. The standards will likely require increased building setbacks, new requirements for natural vegetated buffers, and additional special permit requirements for buildings over 3,500 square feet including maintaining natural vegetation, contours, scenic and environmentally sensitive qualities.

Norwalk

OLISP staff participated on the Technical Advisory Group established to develop a watershed management plan for the Norwalk River. The Norwalk River Watershed Initiative is a partnership planning effort among federal, state, municipal and local interests within the watershed, focusing on habitat restoration, flood protection, water quality, stewardship and education. The plan outlines a comprehensive long-term program to protect and improve the health of the watershed, to address nonpoint source pollution, to provide extensive public and municipal outreach and to encourage use of native riparian plantings.

Waterfront Revitalization

New London

OLISP staff provided assistance to the New London Planning and Zoning Commission and Pfizer, Inc. in the development of a 23-acre waterfront brownfield parcel along the Thames River. Pfizer has established its global research headquarters on the site. As part of the redevelopment of the parcel, contaminated portions of the site were remediated, degraded tidal wetlands are being restored and a waterfront public access facility was developed.

OLISP staff has also provided ongoing assistance to the City of New London and the New London Development Corporation to redevelop an approximately 90-acre waterfront site on the Thames River in the Fort Trumbull area. Proposed redevelopment includes a hotel and conference center, a U.S. Coast Guard museum and other facilities. OLISP has worked to ensure appropriate stormwater management, preservation of an existing water-dependent commercial fishing operation and provision of a 15-foot wide riverwalk along the waterfront.

New Haven

OLISP staff worked with the New Haven Planning Department on the proposed redevelopment of an underutilized city-owned waterfront parcel adjacent to a municipal waterfront park. The city proposed filling approximately five acres of intertidal and subtidal lands and dredging more than 100,000 cubic yards of sediment to create a waterfront market place, festival gathering area and marina at the site. OLISP worked with New Haven on developing alternative designs for the project by introducing city representatives, through a site visit, to the waterfront revitalization practices successfully

employed at a waterfront park in the City of New London. The project design was subsequently modified to use pile-supported decking. Proposed marina dredging was also eliminated. At OLISP's suggestion, other water-dependent public facilities, such as a boat launch ramp, were incorporated into the project's design.

Stamford

Staff coordinated a permit for Avalon Bay Communities, Inc. on Southfield Harbor in Stamford for the development of a 68-slip marina (34 slips to be open to the general public), public access walkway and public access fishing pier in conjunction with upland condominium development. The public portions of the project will be constructed to provide physically challenged individuals with access.

OLISP staff also worked with representatives of the Stamford Planning Department and the applicants on Admirals Wharf, a mixed-use redevelopment proposed for a large waterfront brownfield site on Stamford Harbor. The redevelopment proposal included a marina and boatyard, a maritime center containing a passenger ferry terminal, neighborhood retail, a catering hall and twenty-one live/work units, a commercial office building and 584 dwelling units contained in four residential buildings, and an extensive public access system including a waterfront promenade approximately 2,500 feet long. OLISP worked successfully with the city and the developer over several years to ensure that the existing marina and boatyard would not be replaced with a non-water-dependent use and that the public access components would be completed early in the project.

Public Access

Providing and enhancing public access to Connecticut's coastal waters is a major focus of CTCMP. Walkways, boat launches and other facilities are routinely required through the coastal site plan review process as a means of achieving consistency with the water dependency criteria of the Connecticut Coastal Management Act. At the same time, OLISP has undertaken several independent efforts to promote public access, some of which are described below.

Public Access Guide

The centerpiece of OLISP's public access outreach efforts is the very popular Connecticut Coastal Access Guide. The Guide, now in its second edition, is a map that locates and describes more than 250 of the state's best coastal access points. The Guide has been distributed free of charge since its debut in May 1999. Staff is working with the Department's Environmental and Geographic Information Center to develop an updated electronic version of the Guide that will be hosted on DEP's website. The searchable web-enabled document will help users identify and better understand coastal recreation opportunities along Connecticut's coast by allowing them to pan and zoom on interactive maps. Users may also view coastal access site photographs for instant visual confirmation of the type of recreation experiences available as well as written descriptions of special site features.

Coastal Management Fellowship

In the fall of 2002, a NOAA Coastal Management Fellow began working with OLISP staff on the Public Access to Coastal Environments project. The fellow's principal tasks include updating the coastal public access database and readying the data for use in the web-enabled Coastal Access Guide, working with the Environmental and Geographic Information Center to evaluate website design alternatives for the Guide, and developing a coastal public access survey to better evaluate coastal public access needs.

Woolworth-Porter Appeal

The Town of Stonington approved a six-lot waterfront subdivision without addressing the Connecticut Coastal Management Act's water-dependent use criteria, which OLISP staff had emphasized in their comments. The consequent appeal to Superior Court led to a stipulated agreement to create a new coastal public access marsh viewing area that has recently opened for public use. The 200-foot walkway to Wamphassuc Marsh and the marsh viewing area provide excellent views of a forested wetland and one of the finest salt marshes on Fishers Island Sound. The site, identified by DEP's new Shoreline Public Access sign on Wamphassuc Point Road, was the result of 15 months of OLISP involvement in the original application review, subdivision approval appeal, negotiated settlement, and more than 20 hours of field work to assist in the design of the new coastal public access area.

F. OUTREACH

NOAA commends OLISP on its exemplary efforts to improve outreach. OLISP's outreach activities focus on enhancing the visibility of Long Island Sound's environmental issues and Connecticut's Coastal Management Program. OLISP uses print and electronic media as well as personal contact to educate and inform the public about Long Island Sound's resources and accessibility, as well as about DEP's Long Island Sound management efforts. Office representatives regularly attend public events to improve the visibility of OLISP and its mission.

In May 1997, OLISP began production of a series of informational brochures concerning various elements of CTCMP. To date, four brochures have been produced:

- *Connecticut Coastal Habitat Restoration Programs*, May 1997
- *Connecticut's Coastal Management Program*, July 2000
- *Connecticut's Coastal Permit Program*, March 2002
- *Connecticut's Coastal Permit Program: Residential Dock Guidelines*, September 2002

OLISP will produce a brochure in 2003 on Connecticut's Coastal Nonpoint Source Pollution Control Program. Brochures are distributed to the public and targeted audiences at conferences and symposiums. OLISP also distributes the brochures through mailings to municipal planning and development officials and engineering and environmental consultants who work with the regulated community.

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In April 1998, OLISP hosted “Connecticut’s Coast: Renewed Resources for the New Century,” at the Mystic Seaport Museum. The conference focused on coastal management issues and highlighted the United Nations Year of the Ocean Initiative. Approximately 200 municipal officials, environmental professionals, representatives from nonprofit organizations, academics and members of the general public attended. In 1999, OLISP began producing *Sound Outlook*. The newsletter is a joint venture with DEP’s Bureau of Water Management. OLISP staff provides principal authorship, editorial review, illustration, financial and contractual management and general coordination. *Sound Outlook* is published three times annually in print and on DEP’s website. Feature articles focus on timely coastal management and water quality issues associated with the Long Island Sound Study and National Estuary Program. Regular columns highlighting coastal resources and access sites use seasonal themes. Safety and resource protection tips are provided for shoreline residents and recreationists. A calendar of events includes educational and recreational activities on Long Island Sound for children and families. NOAA encourages OLISP to continue to develop public outreach materials and to make them available online.

In 2000, OLISP organized a yearlong celebration of the 20th anniversary of CTCMP. The celebration was used to enhance the visibility of OLISP and the public’s understanding of its mission and accomplishments. The anniversary was commemorated in many ways throughout 2000. For example:

- OLISP staff developed a signature tagline that was printed on Agency stationery and envelopes and used throughout the year by all parts of DEP.
- A coastal management display was exhibited on a concourse between the state’s Legislative Office Building and the Capitol for a month. OLISP staff also attended the opening of the exhibit and distributed materials and answered questions of numerous legislators and interested individuals.
- Governor John G. Rowland designated the month of May to celebrate CTCMP.

G. TECHNOLOGY

Electronic Permit Data and Document Retrieval

During the past 15 years, OLISP has worked to develop databases and maps linked to electronic versions of coastal permits. OLISP achieved its goal with funds provided by NOAA during the last grant year. Staff can now use various electronic tools to ascertain the status of permit applications and general permit information or to view issued permits and associated plans without leaving their desks. NOAA applauds OLISP for its innovative development of electronic permit data and document retrieval capabilities.

In 2001, DEP invested in an electronic document management and retrieval system known as FileNet. OLISP scanned nearly 10,000 permit documents that were subsequently entered into the FileNet repository. The Environmental Data and Geographic Exchange provided technical assistance to construct a link enabling document retrieval using data in the permit database. As OLISP became increasingly

reliant on Geographic Information Systems (GIS) data layers, staff sought to retrieve electronic documents with server-based and web-based GIS applications. Staff is now able to retrieve electronic permit documents through a search feature in a Microsoft Access database as well as in local and web-based GIS applications. Future public access to components of the database may ease permit-processing times because individuals preparing permit applications will have access to site-specific data. Additionally, links to enforcement databases may increase permit-processing efficiency.

Information Technology

OLISP is dedicated to improving coastal management decisions by using information technology and providing staff access to electronic data. Information regarding coastal resource distribution along the coast or on a particular development site is a critical prerequisite to sound management decisions. Historically, coastal resources were depicted on a static set of mylar and paper maps. OLISP has been systematically recreating and updating data electronically for viewing with GIS software. OLISP GIS specialists created a customized user-friendly Coastal Resources GIS for accessing coastal data. NOAA commends OLISP for its creative use of information technology and encourages it to continue to build upon its efforts. Several examples of OLISP's innovations in information technology are highlighted below.

Coastal Resources GIS Enhancements

The Coastal Resources GIS Project continues to provide all OLISP staff with access to coastal resources data. During the review period, the project was rebuilt and acquired additional functionality (e.g., nautical chart catalog and new datalayers). Unfortunately, some of the functionality, such as access to images such as orthophoto quads and topographic maps, could not be used because standard PCs had insufficient memory and processing speed.

In 2002, several major advancements in the Coastal Resources GIS Project occurred. First, OLISP purchased high-end PCs that allow rapid viewing of GIS data. The Office also bought four individual ArcGIS licenses and four concurrent licenses. The concurrent licenses permit installation of ArcGIS on each staff members' desktop, and server software manages license availability. The Coastal Resources GIS Project is being rebuilt in ArcGIS to take advantage of the new functionality and data streaming capability of the ArcIMS server.

Sediment Quality Information Database

A NOAA Coastal Management Fellow has developed the Sediment Quality Information Database (SQUID). The database compiles information about dredging locations and sediment quality data in a central location and supports better decisions about permitting for dredging (e.g., necessary contaminant testing, bioeffects data, reference chemistry data for disposal areas). SQUID was developed in consultation with the federal agencies that participate in dredging decisions.

Ecological Conditions Online

Several years ago, OLISP assisted DEP with construction of intranet GIS prototypes. One of the three prototypes was the online version of Coastal Resources GIS accessible via internet browsers. OLISP also has participated in the planning and design of Ecological Conditions Online (ECO), an intranet GIS project providing access to statewide coverages. In 2002, OLISP staff developed metadata for the primary coastal resource datalayers and, in consultation with the Environmental Geographic Information Center, reformatted the data display. These data subsequently were incorporated into ECO. Coastal resource information now is available to all DEP staff on the intranet, leading to improved interdisciplinary management decisions.

H. COASTAL NONPOINT POLLUTION CONTROL PROGRAM

Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 requires that states with federally approved Coastal Management Programs develop Coastal Nonpoint Source Pollution Control Programs. Connecticut's Coastal Nonpoint Source Pollution Control Program is a network of well-established authorities and strong programs that collectively ensure management measure implementation to address nonpoint sources of pollution.

One of OLISP's and the DEP Bureau of Water Management's primary functions is coordinating the actions of all agencies involved in Coastal Nonpoint Program implementation. For example, DEP coordinates with Connecticut's Department of Public Health, and local and regional sanitarians and water pollution control authorities to ensure proper implementation and oversight of residential septic system installations, inspections and repairs. DEP also oversees the municipal implementation of inland wetlands, coastal management, planning and zoning authorities. In addition, DEP has primary responsibility for Coastal Nonpoint Program enforcement, monitoring and educational outreach efforts. Duties are coordinated through existing OLISP and Bureau of Water Management staff and municipal authorities as necessary, based upon existing programmatic responsibilities.

Connecticut's Coastal Nonpoint Program received conditional approval on June 3, 1998. Since then, DEP has worked very hard to satisfy the remaining conditions. Efforts have included developing a Clean Marina Program, creating a Storm Water Best Management Practices Manual, further enhancing the Watershed Management Initiative. DEP also obtained certification from the state's Attorney General asserting that Connecticut possesses adequate legal authority to ensure implementation and enforcement of the management measures contained in the Coastal Nonpoint Program. The conditions regarding onsite sewage disposal systems also provided an opportunity to better coordinate efforts between DEP, the Department of Public Health, local and regional sanitarians, directors of public health and water pollution control authorities in an effort to address onsite wastewater management in a comprehensive manner.

In accordance with the five-year timeframe for meeting conditions for full approval, DEP submitted supporting documentation that addresses all outstanding conditions to EPA and

NOAA. NOAA's and EPA's intent to approve Connecticut's Coastal Nonpoint Program was published in the *Federal Register* on September 15, 2003, and the public comment period ended on October 15, 2003. NOAA applauds OLISP for its role in the development and implementation of Connecticut's Coastal Nonpoint Program.

Clean Marina and Clean Boater Programs

Connecticut's Clean Marina Program is a voluntary, incentive-based education and outreach campaign to reduce nonpoint source pollution at the state's 350 coastal and inland marinas and boatyards and to provide local and transient boaters with simple clean boating tips. Marina and boatyard operators can sign a pledge promising to demonstrate that their facilities meet certain environmental standards above and beyond regulatory compliance within one year. DEP recognizes facilities that fulfill the pledge as Clean Marinas, and they are authorized to fly a Clean Marina flag and to use the Clean Marina logo on their publications and letterhead. To date, DEP has fully certified two Clean Marinas.

To complement the Clean Marina certification program, boaters who take a pledge to improve their environmental performance receive a decal identifying them as Clean Boaters. DEP's Boating Division hired seasonal staff to visit marinas during the summer of 2003 to talk to boaters about clean boating practices and to encourage them to take the Clean Boater pledge. The seasonal "dockwalkers" distributed Clean Boater Packets that include an oil absorbent pad, a Clean Boater Tip Card, a Boater's Waste Wheel and other outreach materials.

The Clean Marina and Clean Boater Programs were developed, in part, to meet a condition of approval of Connecticut's Coastal Nonpoint Program regarding stormwater management from hull maintenance areas. Both programs were developed with a group of 20 volunteers representing the boating and marina industry and 13 representatives from all relevant DEP Bureaus. OLISP and DEP's Boating Division jointly manage the Clean Marina and Clean Boater Programs. NOAA is impressed with OLISP's role in Connecticut's Clean Marina and Clean Boater Programs and encourages it to continue involvement in these programs.

I. LONG ISLAND SOUND LICENSE PLATE PROGRAM

NOAA applauds OLISP's administration of an innovative program that raises funds through the sale of *Preserve the Sound* license plates. The Department of Motor Vehicles issues the license plates, and the proceeds from sales are deposited into the Long Island Sound Fund. The fund, administered by DEP, is used to provide small grants to municipalities, schools, nonprofit organizations, state agencies and private entities to undertake projects that preserve and protect Long Island Sound, restore natural habitats, provide new and improved public access opportunities and educate the public about the importance of Long Island Sound.

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OLISP administers the Long Island Sound Fund by releasing an annual Availability of Funds announcement. Once applications are submitted, OLISP's Long Island Sound Fund Coordinator organizes an internal department-wide review of each proposal and prepares written recommendations to the external Long Island Sound Fund Advisory Committee for grant award selection. The Long Island Sound Fund Advisory Committee includes representatives from Connecticut's coastal and municipal planners, marine trades professionals, land use attorneys, nonprofit organizations, industries and academic institutions. Once the Advisory Committee selects the grant awards, OLISP notifies the recipients and administers the contracts and disbursement of funds.

As of March 1, 2003, more than 119,000 license plates had been sold. Additionally, private donations and a percentage of purchases from the People's Bank *Preserve the Sound* affinity credit card have raised more than \$4.1 million for Long Island Sound projects. To date, the Long Island Sound Advisory Committee has allocated more than \$3.6 million to fund more than 227 projects.

The Long Island Sound Fund is currently reviewing 25 project proposals submitted for funding consideration during the 2003 funding cycle. Funds from the sale of Long Island Sound License Plates have funded projects such as:

- Six waterborne trails with corresponding laminated trail guides and interpretive signs with maps for canoeists and kayakers along the Mattabesset River, lower Connecticut River, and the Norwalk Islands.
- The provision of beach wheelchairs at the state's major coastal parks, allowing mobility-impaired individuals the opportunity to enjoy the beach.
- Creation of a new Environmental Learning Laboratory and 100 year-round family oriented educational programs about Long Island Sound at the historic Holly House at Cove Island Park in Stamford.

J. COASTAL HABITAT RESTORATION

NOAA commends OLISP for its very active tidal wetland habitat restoration program. One of the many strong aspects of the program is its coordination with partners such as Connecticut College and the U.S. Fish and Wildlife Service to compile the skills and expertise needed to conduct scientifically based restoration activities. Since the mid-1990s, the Long Island Sound Study (National Estuary Program) has funded a staff position to support the bi-state habitat restoration initiative for Long Island Sound.

DEP has enlisted scientists, managers and permit staff to review restoration designs. Additionally, OLISP staff continues to stay abreast of the most current scientific literature and to co-author papers about restoration activities in peer-reviewed literature.

During the review period, OLISP staff worked with Coastal America and local corporations to create the Connecticut chapter of the Corporate Wetlands Restoration

Program (CWRP). In 2002, CWRP assembled an Advisory Board, and the Board is reviewing and editing the prospectus that OLISP drafted in 2001. To date, CWRP has provided funding for four restoration projects in Connecticut.

Restoration Research

The Long Island Sound License Plate Program provides some grants for research. A particularly noteworthy research project funded by the Long Island Sound fund is the genetic structuring of the common reed (*Phragmites australis*). Since the mid-1980s, DEP has postulated that the invasive form of *Phragmites* was not native to North America; this study demonstrated that the invasive form is a haplotype from Europe. Results confirm habitat degradation is the result of an invasive species in low salinity wetlands and is helping managers identify native populations that are in need of protection.

OLISP and Connecticut College co-authored “Salt Marsh Restoration in Connecticut: 20 Years of Science and Management” for the journal Restoration Ecology. The article concludes that degraded marshes will be reset on a trajectory toward becoming self-maintaining tidal wetlands, and that functions and values do return, but at varying rates.

K. DREDGING AND SEDIMENT MANAGEMENT

The Structures and Dredging Act and the Connecticut Coastal Management Act policies and standards regulate dredging and disposal in Connecticut’s tidal waters. Dredging and disposal are also pursuant to the Connecticut Water Quality Standards. Open water disposal at one of four existing disposal sites is the predominant method of sediment management in Long Island Sound. In 1980, adoption of the bi-state *Interim Plan for the Disposal of Dredged Material in Long Island Sound* reduced the number of disposal sites to three. A western Long Island Sound site was added in 1982 in response to demand, bringing the total of available disposal sites to the current four. The New England District of the U.S. Army Corps of Engineers (USACE) developed the Disposal Area Monitoring System (DAMOS) to effectively monitor disposal activities at New England open water disposal sites. DAMOS has established a site recolonization model that has been an effective indicator of disposal site health. Twenty-five years of monitoring and almost 200 published reports have confirmed the environmental soundness of current open water management practices.

Amendments to the federal Marine Protection, Research and Sanctuaries Act (MPRSA) passed in 1980 and 1990 require application of the MPRSA to Long Island Sound, greatly increasing the regulatory complexity of dredging and sediment disposal. All federal projects, regardless of volume, as well as any non-federal project larger than 25,000 cubic yards, are subject to the MPRSA in addition to §404 of the Clean Water Act. Long Island Sound is the only estuary subject to the MPRSA.

The Long Island Sound dredging and sediment disposal issue is further complicated by the fact that the Sound is shared by Connecticut and New York. Additionally, two

different USACE districts and two different Environmental Protection Agency regions oversee dredging activities within Long Island Sound.

In response to concerns about open water disposal, DEP undertook a study to compile existing management approaches to dredged material management in Long Island Sound. The resultant report, *Long Island Sound Dredged Material Management Approaches*, was published in 1998 and represents a major first step in the development of a bi-state dredged material management plan. The report makes recommendations to advance a consensus on a dredged material management plan for Long Island Sound.

Additionally, in 1998, the USACE and the U.S. Environmental Protection Agency committed to undertake an Environmental Impact Study (EIS) with the goal of designating one or more open water disposal sites in Long Island Sound pursuant to the MPRSA. This effort is needed because: (1) there are currently no disposal sites designated for long-term use within Long Island Sound, (2) the currently used sites are authorized under short-term authority that will expire at various times in the relatively near future for each site, (3) periodic dredging and dredged material disposal is unavoidably necessary to maintain safe navigation and marine commerce, (4) the MPRSA's requirements authorize an EPA designation for any long-term dredged material disposal site.

OLISP has provided ongoing technical support, resource data, and reviews of interim work products throughout the EIS process to both agencies. In 2002, the focus shifted to the western and central portions of Long Island Sound as the highest priorities due to pending closure of the central site to MPRSA projects in February 2004. The Draft Environmental Impact Statement was released in September 2003. The site designation will likely be completed by Spring 2004 at the earliest. An EIS for the eastern portion of Long Island Sound has yet to be started, and completion is not anticipated prior to 2006.

NOAA commends the efforts of OLISP and the State of Connecticut to promote development of a dredged material management plan. NOAA also recognizes the complexity of the Long Island Sound dredging issue and the inability of OLISP to move forward on a dredged material disposal plan by itself. However, because dredged material management is such an important, albeit contentious, coastal issue in Connecticut, it is important to continue taking a proactive approach.

4. PROGRAM SUGGESTION: NOAA recommends that in the near term, OLISP continues to look for opportunities to craft elements of a framework for a dredged material management plan. Once the Environmental Impact Statements for the western/central and eastern portions of Long Island Sound are complete, NOAA encourages OLISP to continue to work proactively with other relevant parties, including the Connecticut Department of Transportation's Marina Policy Subcommittee, to develop an appropriate dredged material disposal plan for Long Island Sound.

VI. CONCLUSION

Based upon the recent evaluation of CTCMP, I find that Connecticut is adhering to its approved Coastal Management Program and is making satisfactory progress implementing its provisions.

These evaluation findings contain four recommendations. These recommendations are in the form of one Necessary Action and three Program Suggestions. The state must address the Necessary Action by the date indicated. The Program Suggestions should be addressed before the next regularly scheduled program evaluation, but they are not mandatory at this time. Program Suggestions that must be repeated in subsequent evaluations may be elevated to Necessary Actions. Summary tables of program accomplishments and recommendations are provided in Appendices D and E.

This is a programmatic evaluation of CTCMP that may have implications regarding the state's financial assistance awards. However, it does not make any judgment on or replace any financial audits related to the allowability or allocability of any costs incurred.

Eldon Hout
Director

Date

VII. APPENDICES

APPENDIX A. RESPONSE TO 1997 EVALUATION FINDINGS

#1. PROGRAM SUGGESTION: The state should consider pursuing additional staff, either state or federally funded, to assist in permit review in an effort to continue the reduction in processing time required to issue a final permit.

Please refer to section V-D of this document for a description of OLISP's response to this Program Suggestion.

#2. PROGRAM SUGGESTION: In order to ensure more effective coordination of the harbormaster program with coastal management activities and to provide better state support and visibility for the program, the state should reconsider the option of transferring the harbormaster supervisory authority to DEP. Modernization of the statutes to reflect the changing roles of harbormasters and to raise the professional standards of the harbormaster positions should also be considered.

The harbormasters would have to initiate actions to specifically address this Program Suggestion. To date, they have not. However, during the review period OLISP has undertaken a variety of efforts to improve the Office's coordination with the harbormasters. For example, recognizing the lack of a formal training process for the harbormasters, OLISP worked with the harbormasters' Subcommittee Task Force to develop training that addresses liability issues. NOAA encourages OLISP to continue these efforts.

#3. PROGRAM SUGGESTION: OLISP should enhance the visibility of the office and CTCMP within the state and better articulate its links with the National Coastal Zone Management Program. One way to accomplish this would be to publish and distribute a CTCMP newsletter or insert for a Department newsletter as a means to inform the public about the importance of coastal stewardship. OLISP should also strengthen the Internet link between the state DEP website and the National Coastal Zone Management Program. A link to OCRM's homepage could accomplish this.

Please refer to section V-F of this document for a description of OLISP's response to this Program Suggestion. In addition to the activities detailed in section V-F, OLISP also placed a link on its website to OCRM's homepage, as recommended in 1997 Program Suggestion #3.

#4. PROGRAM SUGGESTION: DEP/OLISP should consider forming a workgroup to investigate its fee schedule and to make changes where warranted. The changed fee schedule should better reflect the actual costs required by DEP to process a particular permit. The role of permit fees in influencing the types of projects submitted should also be investigated, and changes should be made accordingly.

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During the review period, DEP has worked to develop a unified format and fee schedule for all permitting. Given these efforts, it is not appropriate for OLISP to change its permit fees independently. However, a section of the Governor's budget would raise all DEP permit fees by 50 percent.

#5. NECESSARY ACTION: Once auto-incorporation guidance for the Coastal Nonpoint Program has been published, Connecticut should immediately follow the actions listed in the guidance document for auto-incorporation in order to bring its authorities up to date. Specifically the state must: (1) identify those elements to be incorporated through auto-incorporation; (2) ensure that any new enforceable policies are identified; and (3) notify OCRM, federal agencies and other interested parties of OCRM approval and the incorporation of the elements into CTCMP. These three actions must be accomplished within four months of the issuance of the final auto-incorporation guidance or these final evaluation findings, whichever is later. Additionally, Connecticut must also develop and implement a schedule for submitting program changes on a regular basis from this point forward. Connecticut must submit a proposed schedule to OCRM by June 30, 1998, for its review and approval. Immediately upon approval from OCRM, Connecticut must begin submitting program changes in accordance with the schedule.

Please refer to section V-B of this document for a description of OLISP's response to this Necessary Action.

#6. PROGRAM SUGGESTION: NOAA encourages DEP to submit an updated program document by the next evaluation. This document should include all administrative and policy changes, federal consistency guidelines and any changes resulting from these findings. In an effort to save costs, DEP may want to consider producing the document on the Internet, which will also allow for easy updating and accessibility by the public and most municipalities.

Please refer to section V-B of this document for a description of OLISP's response to this Program Suggestion.

APPENDIX B. PERSONS AND INSTITUTIONS CONTACTED

Connecticut Coastal Management Program Representatives

Name	Title	Affiliation
Lori Benoit	Habitat Restoration Coordinator	OLISP
David Blatt	Coastal Planning Supervisor	OLISP
Robin Bray	Permitting and Enforcement Supervisor (Eastern Connecticut)	OLISP
Kate Brown	Long Island Sound Fund Coordinator	OLISP
Charlie Evans	Director	OLISP
Susan Fox	NOAA Coastal Management Fellow	OLISP
Peter Francis	Permitting and Enforcement Supervisor (Western Connecticut)	OLISP
John Gaucher	Consistency Reviewer and Municipal Liaison	OLISP
Sue Gradante	Permit Analyst (Eastern Connecticut)	OLISP
Michael Grzywinski	Permit Analyst (Eastern Connecticut)	OLISP
Mary-beth Hart	Coastal Nonpoint Source Coordinator	OLISP
Rick Huntley	Clean Vessel Act Program Supervisor	OLISP
David Kozak	Consistency Reviewer and Municipal Liaison	OLISP
Nancy Lent	Grants and Contracts Manager	OLISP
Ron Rozsa	Technical Services Supervisor	OLISP
Elke Sutt	Clean Marina Coordinator	OLISP
Margaret Welch	Consistency Coordinator and Municipal Liaison	OLISP
Betsey Wingfield	Assistant Director	OLISP

State of Connecticut Representatives

Name	Title	Affiliation
Art Rocque, Jr.	Commissioner	DEP
Jane Stahl	Deputy Commissioner	DEP
Charlie Fredette	Watershed Management and Lakes Management Supervisor	DEP, Bureau of Water Management
Paul Stacey	Supervisor, Long Island Sound Study and Nonpoint Pollution Program	DEP, Bureau of Water Management
Joe Wettemann	Sanitary Engineer	DEP, Bureau of Water Management
Eleanor Mariani	Director and State Boating Law Administrator	DEP, Boating Division
Peter Hill	Environmental Analyst	DEP, Bureau of Waste Management

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Federal Agency Representatives

Name	Title	Affiliation
Bob DeSista		U.S. Army Corps of Engineers
Diane Ray		U.S. Army Corps of Engineers
Cori Rose		U.S. Army Corps of Engineers
Mark Tedesco		U.S. Environmental Protection Agency, Long Island Sound Study
Don Henne		U.S. Fish and Wildlife Service
Greg Mannesto		U.S. Fish and Wildlife Service
Michael Ludwig		National Marine Fisheries Service

Local Government Representatives

Name	Title	Affiliation
Peter Gillespie		New London Office of Planning and Development
Bruce Hyde	Director	City of New London Office of Planning and Development
John Brooks		New London Development Commission
Norman Cole	Principal Planner	Stamford
Robin Stein	Land Bureau Chief	Stamford
Torrance Downes		Connecticut River Estuary Regional Planning Agency
Linda Krause		Connecticut River Estuary Regional Planning Agency

Academic Representatives

Name	Title	Affiliation
Scott Warren		Connecticut College

Nongovernmental Organization Representatives

Name	Title	Affiliation
Chris Joyell		Connecticut River Watershed Council
Patty Pendergast		Connecticut Forest and Parks Association
Diane Selditch		SoundWaters, Inc.

Industry Representatives

Name	Title	Affiliation
Ted Sailer		CT Marine Trades Association

APPENDIX C. PERSONS ATTENDING THE PUBLIC MEETING

Name	Affiliation
Christina Costa	Enforcement Officer – Town of Old Saybrook
Loretta Fox	Private Citizen
Robert Fromer	Environmental Consultant
Becky Mars	Private Citizen
Adam Zonas	Private Citizen

APPENDIX D. RESPONSE TO WRITTEN COMMENTS

NOAA received numerous written comments regarding CTCMP. Each of the comments is summarized below and followed by NOAA's response.

Comments Concerning Islander East's Proposed Natural Gas Pipeline

Many of the comments NOAA received pertain to a natural gas pipeline proposed by Islander East Pipeline Company, LLC. Background on the proposed pipeline is provided below and followed by submitted comments and NOAA's responses.

Background

In October 2002, the Connecticut Department of Environmental Protection (DEP) determined that the Islander East Pipeline Company's application to install a natural gas pipeline from Branford, Connecticut to Long Island, New York was inconsistent with Connecticut's federally approved coastal management program (CTCMP). The project would cross portions of the Long Island Sound affecting the natural resources or land and water uses of Connecticut's coastal zone.

In November 2002, Islander East filed a notice of appeal with the Department of Commerce, pursuant to the Coastal Zone Management Act of 1972, as amended, asking that the Secretary of Commerce override the State of Connecticut's objection to Islander East's proposed natural gas pipeline. The appeal is pending with the Department.

Comments

Thomas Barron

**Certified Public Accountant and Partner, Barron and Company, LLP
Torrington, Connecticut**

Comment: Mr. Barron writes in response to the opinion piece, "Report Card Time: Why Are The Feds Reviewing Our DEP Now?" by Kiki Kennedy that appeared in *The Sound* community newspaper on April 10, 2003. The piece by Ms. Kennedy questions the timing of NOAA's evaluation of CTCMP. Ms. Kennedy notes that the evaluation review period of September 1997 to March 2003 is "strange" in that it is not a "nice, round number." Ms. Kennedy discusses the timing of Islander East's appeal to the Department of Commerce and suggests that perhaps the Department suddenly scheduled the evaluation in order to pressure DEP to reverse its consistency determination.

Mr. Barron writes that he rejects Ms. Kennedy's implications. He states that Islander East has been open and honest about its plans and has worked collaboratively with all regulatory bodies that oversee such projects. Mr. Barron believes that the Islander East Pipeline meets a genuine market need and that the company seems to have proposed a construction plan that will only temporarily and minimally impact the environment. Mr. Barron expresses support for the Islander East Pipeline.

John DeGennaro
North Branford, Connecticut

Comment: Mr. DeGennaro questions the timing of NOAA's evaluation of CTCMP. He expresses frustration with the processes surrounding both the Cross Sound Cable Project and the Islander East Pipeline Project. Mr. DeGennaro states that while there is no evidence of impropriety on the part of individuals who oppose the Islander East Pipeline, the company has paid fishermen for their support, questioned the behavior of those who oppose the project, and opened an office in Branford to maintain a constant presence in the area. Mr. DeGennaro expresses concern that the pipeline will damage Long Island Sound's ecology while providing energy resources to another state without any benefit to the local community.

Barbara Glass
Branford, Connecticut

Comment: Ms. Glass asks that CTCMP favor environmental resources over industry. She supports DEP's ruling that the Islander East Pipeline is inconsistent with CTCMP.

Katherine Kennedy, M.D.
Spokesperson, Connecticut Stop the Pipeline
Branford, Connecticut

Comment: Dr. Kennedy is grateful to DEP for using CTCMP to halt the Islander East Pipeline Project in October 2002. She requests that NOAA continue its support for DEP's use of CTCMP. Dr. Kennedy also requests: (1) that preservation of fragile coastal resources consistently is given priority over industrial uses; and (2) that water-dependent economic uses of coastal resources consistently be given priority over non water-dependent uses.

Jon and Andrea Wilson
Stony Creek, Connecticut

Comment: The Wilsons believe that it is imperative that CTCMP favor environmental resources over industry. They support DEP's ruling that the Islander East Pipeline is inconsistent with CTCMP.

NOAA's Response: As described in these findings, the Coastal Zone Management Act of 1972, as amended, requires NOAA to conduct periodic performance reviews or evaluations of all 34 federally approved Coastal Management Programs. NOAA works cooperatively with each Coastal Management Program to schedule its periodic evaluation. A number of factors contribute to the scheduling decision, including the date of the last evaluation, the nature of recommendations contained in the last evaluation, the scheduling preferences of state Coastal Management Program staff, and the availability of NOAA evaluation and program specialist staff. NOAA and OLISP worked together to schedule the evaluation described in these findings. The timing of the evaluation was in

no way related to DEP's findings pertaining to the Cross Sound Cable or Islander East's proposed natural gas pipeline.

For purposes of this comment, NOAA takes no position regarding DEP's ruling concerning the Islander East Pipeline project. However, NOAA fully supports DEP's continued implementation of the federally approved CTCMP, which is based on the Connecticut Coastal Management Act. The Act (Connecticut General Statutes Chapter 444, Section 22a-92) states that one of its goals is "to insure that the development, preservation or use of the land or water resources of the coastal area proceeds in a manner consistent with the capability of the land and water resources to support development, preservation or use without significantly disrupting either the natural environment or sound economic growth." Another of the Act's goals is "to give high priority and preference to uses and facilities that are dependent upon proximity to the water or the shorelands immediately adjacent to marine and tidal waters."

Other Comments

Robert Fromer
Environmental Consultant
New London, Connecticut

Comment: Mr. Fromer writes in regard to the redevelopment of the Fort Trumbull area, New London, Connecticut. He believes that DEP and the New London Planning and Zoning Commissions have substantively not met and are not meeting the diverse applicable goals of CTCMP and the Connecticut Coastal Management Act according to the Connecticut General Statutes. Mr. Fromer states that DEP and the Commissions have consistently disregarded meaningful consideration of some or all of the legislative goals and policies set forth in the Connecticut General Statutes, §§22a-92(1), (2), (3), (4), (5), (8) and (9) especially giving the "highest priority and preference" to water-dependent uses. He concludes that DEP is in material breach of its duties and responsibilities under CTCMP and the Connecticut Coastal Management Act.

NOAA's Response: In the late 1990s, the Navy ceased its operations at the Naval Undersea Warfare Center (NUWC)/Fort Trumbull site. Upon termination of NUWC operations, the Navy was no longer interested in retaining the NUWC property. Before the property could be sold, the Navy had to offer it to other federal agencies. When no federal agencies were interested in acquiring the property, the Navy offered it to the State of Connecticut. DEP expressed interest in acquiring the 14 acres upon which Fort Trumbull is located, and the City of New London expressed interest in obtaining the remaining NUWC acreage. During the property conveyance process, CTCMP, through the federal consistency review process, ensured that subsequent reuse of the entire NUWC site would contain substantial water-dependent use components.

A Municipal Development Plan (MDP) to guide redevelopment of the portion of the NUWC site excluding Fort Trumbull was approved in February 2000. The MDP identified a mix of uses, including a public access walkway along the entire peninsula, commercial office space, residential units, a hotel and conference center, and retention of

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commercial fishing and marina operations. OLISP was instrumental in ensuring that the MDP incorporated an appropriate mix of water-dependent uses in the redevelopment of the site, including commercial fishing operations and marinas.

NOAA fully supports DEP's continued implementation of the federally approved CTCMP, which is based on the Connecticut Coastal Management Act. As described in these findings, Connecticut is adhering to its approved Coastal Management Program and is making satisfactory progress implementing its provisions. NOAA commends OLISP's Coastal Planning Section for its outstanding assistance to municipalities, innovative efforts in local waterfront revitalization, and strong commitment to public access.

Comment: Mr. Fromer also submitted correspondence describing perceived intransigence of DEP's Commissioner and Deputy Commissioner in adopting regulatory procedures for reviewing and acting upon applications for permits, certificates of permission and emergency authorizations and establishing criteria for granting, denying, limiting, conditioning or modifying permits. Mr. Fromer further states that the Commissioner and Deputy Commissioner continue to deliberately ignore consideration of feasible and prudent materials as alternatives to the toxic releases from chromated-copper-arsenate (CCA) treated lumber into the marine environment. Mr. Fromer requests that DEP: (1) create a working group to develop regulations consistent with Connecticut General Statutes §§ 22a-28 *et seq* and 22a-359 – 363; and (2) prohibit CCA-treated lumber for marine structures.

NOAA's Response: NOAA suggests that Mr. Fromer contact the appropriate DEP staff with his concerns regarding the use of CCA treated lumber in the marine environment.

Leah Lopez
Staff Attorney, Save the Sound, Inc.
South Norwalk, Connecticut

Katherine Kennedy, M.D.
Spokesperson, CT Stop the Pipeline
Branford, Connecticut

Bob and Loretta Fox
Stony Creek, Connecticut

Jerry and Jane Shaw
Stony Creek, Connecticut

Anstress Farwell
President, New Haven Urban
Design League
New Haven, Connecticut

Curt Johnson
Program Director, CT Fund for
the Environment
New Haven, Connecticut

Ruth Ann Wiesenthal-Gold
President, Woodland Coalition
Weston, Connecticut

Barbara Gordon
Director, CT Seafood Council
West Hartford, Connecticut

**Laura Margolin, James Johnson and
Pat and Kathy Rabano**
New Haven, Connecticut

Rebecca Mars
Branford, Connecticut

Ben Burgos
Ben's Shellfish, LLC
Stratford, Connecticut

Comment: *Implementation and Enforcement of the Approved CTCMP – Program Strength.* The commenters note that OLISP has recently focused much needed attention on a new program to help develop clean marinas along Connecticut's coast.

NOAA's Response: As described in these findings, NOAA is impressed with OLISP's role in Connecticut's Clean Marina and Clean Boater Programs and encourages it to continue involvement in these programs.

Comment: *Implementation and Enforcement of the Approved CTCMP – Program Weakness.* The commenters write that it appears that OLISP's permitting staff may not have the requisite expertise to deal with complex environmental issues such as those related to the overall environmental impacts of sub-sea energy projects. The commenters state that this insufficiency is the result of staff being overworked and unable to attend necessary training seminars.

NOAA's Response: NOAA finds that OLISP's permitting staff has both the qualifications and the experience necessary to review coastal permit applications, including those related to sub-sea energy projects. However, NOAA agrees that periodic participation in relevant training seminars and related opportunities can be beneficial to staff. As noted in these findings, OLISP's permitting staff have performed admirably despite a staffing shortfall. In Program Suggestion #3, NOAA encourages OLISP and DEP to refill the four vacant permit analyst positions as soon as possible.

Comment: *Leadership Role in Coastal Issues – Program Strength.* The commenters note that DEP has been a vital agency in the Long Island Sound Restoration Initiative. They also state that DEP staff have been extremely supportive and helpful in citizen restoration projects along the coastline.

NOAA's Response: NOAA commends OLISP for playing a vital role in the Long Island Sound Restoration Initiative. NOAA also recognizes OLISP for its outstanding outreach and assistance to Connecticut's coastal citizens.

Comment: *Leadership Role in Coastal Issues – Program Weakness.* The commenters write that DEP has made a number of decisions that depart from its traditional position of protecting shellfish habitat and resources and recognizing aquaculture and shellfish harvesting as a priority water-dependent use. The commenters believe that DEP is primarily reacting to permit applications as opposed to exercising a proactive leadership role in coastal issues.

NOAA's Response: NOAA fully supports DEP's continued implementation of the federally approved CTCMP, which is based on the Connecticut Coastal Management Act. The Act (Connecticut General Statutes Chapter 444, Section 22a-92) states that one

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of its goals is “to insure that the development, preservation or use of the land or water resources of the coastal area proceeds in a manner consistent with the capability of the land and water resources to support development, preservation or use without significantly disrupting either the natural environment or sound economic growth.” Another of the Act’s goals is “to give high priority and preference to uses and facilities that are dependent upon proximity to the water or the shorelands immediately adjacent to marine and tidal waters.” As described in these findings, OLISP is successfully implementing the Connecticut Coastal Management Act and frequently takes a leadership role on important coastal issues. NOAA also encourages OLISP to continue to expand its leadership on key issues such as megadocks.

Comment: *Decisions Based on Enforceable Policies of the Program – Program Weakness.* The commenters state that DEP staff fails to give strong weight to information presented to them by individuals other than project applicants.

NOAA’s Response: As noted above, NOAA finds that OLISP’s permitting staff has both the qualifications and the experience necessary to review coastal permit applications, which includes consideration of all relevant information. NOAA encourages individuals with questions regarding particular permitting decisions to contact the appropriate OLISP staff.

Comment: *Public Participation – Program Strength.* The commenters write that DEP has done excellent work creating and disseminating outreach information to benefit citizen awareness and public participation.

NOAA’s Response: As described in these findings, NOAA applauds OLISP’s exemplary outreach efforts.

Comment: *Public Participation – Program Weakness.* The commenters state that there has been at least one occasion when a public hearing, requested on the statutorily provided for petition of 25 signatures, was denied. The writers acknowledge that a hearing based on petition is not provided for within the Connecticut Coastal Management Act. However, they note that when the public becomes highly engaged in an environmental issue and makes a reasonable request to be heard, they should be granted the opportunity to do so. The commenters state that should such hearings be denied, substantial reasoning should be provided.

NOAA’s Response: When a request for a public hearing on a coastal issue or project is denied, NOAA encourages OLISP to provide the requestors with an explanation of the decision.

Comment: *Coastal Management Needs of the CZMA: Protection of natural resources, including wetlands, floodplains, estuaries, beaches, dunes, and fish and wildlife and their habitat, within the coastal zone – Program Strength.* The commenters state that the Connecticut Coastal Management Act is sound and strong. They note that OLISP’s Technical Services Section has done a good job of implementing habitat restoration and

updating coastal areas data for input into Geographic Information Systems. The commenters believe that strengthening and expanding the Technical Services Section would result in even better coastal management and environmental understanding.

NOAA's Response: As noted in these findings, NOAA recognizes OLISP's Technical Services Section's outstanding work in the areas of habitat restoration and technology.

Comment: *Coastal Management Needs of the CZMA: Protection of natural resources, including wetlands, floodplains, estuaries, beaches, dunes, and fish and wildlife and their habitat, within the coastal zone – Program Weakness.* The commenters state that it appears that DEP focuses on ensuring that the statutory and regulatory requirements of permit applications are met while leaving the environmental implications relatively unaltered.

The commenters also note that despite DEP's work to collect, research and analyze information on Long Island Sound's coastal areas, no real knowledge of near shore areas exists. They suggest that a process for identifying and logging data gaps should be identified and actively pursued.

NOAA's Response: As noted above, NOAA finds that OLISP's permitting staff has both the qualifications and the experience necessary to review coastal permit applications, which includes comprehensive consideration of environmental impacts. OLISP's permitting and planning staff work extensively with permit applicants to minimize adverse environmental impacts of development projects. Examples are described throughout these findings.

NOAA agrees that a data gap analysis of nearshore environments could prove to be a useful tool. Beginning in FY03, OLISP will use CZMA §306 funds to support the Long Island Sound Research Center's development of a central, searchable online database of all data, research and information related to Long Island Sound. For important subjects such as benthic habitat or wetlands, the Center will also sponsor production of an expert synopsis of what is presently known and unknown about the subject.

Comment: *Coastal Management Needs of the CZMA: The minimization of the loss caused by improper coastal development – Program Weakness.* The commenters state that permitting cables and pipelines weakens the opportunity for optimal use of marine and coastal ecosystems through repeated intrusions of non-water dependent uses. They note that such permitting also weakens appropriate and economically viable port development by establishing a competing non-water dependent use of shipping channels and the seabed.

NOAA's Response: As noted above, NOAA fully supports DEP's continued implementation of the federally approved CTCMP, which is based on the Connecticut Coastal Management Act. The Act (Connecticut General Statutes Chapter 444, Section 22a-92) states that one of its goals is "to insure that the development, preservation or use of the land or water resources of the coastal area proceeds in a manner consistent with the

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capability of the land and water resources to support development, preservation or use without significantly disrupting either the natural environment or sound economic growth.” Another of the Act’s goals is “to give high priority and preference to uses and facilities that are dependent upon proximity to the water or the shorelands immediately adjacent to marine and tidal waters.”

Comment: *Coastal Management Needs of the CZMA: The management of coastal development to improve, safeguard, and restore the quality of coastal waters, and to protect natural resources and existing uses of those waters – Program Weakness.* The commenters write that implementation of regulations can fall short of DEP’s stated goals.

NOAA’s Response: No response necessary.

Comment: *Coastal Management Needs of the CZMA: The provision of priority consideration for coastal-dependent uses and the provision of processes for the siting of major facilities related to national defense, energy, fisheries development, recreation, ports and transportation, and the location, to the maximum extent practicable, of new commercial and industrial developments in or adjacent to areas where such development already exists – Program Strength.* The commenters write that the state’s statutory base for coastal protection is strong.

NOAA’s Response: NOAA agrees.

Comment: *Coastal Management Needs of the CZMA: The provision of priority consideration for coastal-dependent uses and the provision of processes for the siting of major facilities related to national defense, energy, fisheries development, recreation, ports and transportation, and the location, to the maximum extent practicable, of new commercial and industrial developments in or adjacent to areas where such development already exists – Program Weakness.* The commenters write that numerous non-water dependent energy infrastructure has been approved across Long Island Sound, despite existing statutory provisions for alternative siting. The commenters note that if such coastal development continues, traditional water-dependent uses will be pushed out of the state’s waterways.

NOAA’s Response: NOAA fully supports DEP’s continued implementation of the federally approved CTCMP, which is based on the Connecticut Coastal Management Act. The Act (Connecticut General Statutes Chapter 444, Section 22a-92) states that one of its goals is “to insure that the development, preservation or use of the land or water resources of the coastal area proceeds in a manner consistent with the capability of the land and water resources to support development, preservation or use without significantly disrupting either the natural environment or sound economic growth.” Another of the Act’s goals is “to give high priority and preference to uses and facilities that are dependent upon proximity to the water or the shorelands immediately adjacent to marine and tidal waters.”

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Comment: *Coastal Management Needs of the CZMA: Assistance with recreational public access to the coasts – Program Strength.* The writers describe DEP's role in developing the Long Island Sound Stewardship System and the Connecticut Coastal Access Guide as well as its role in water quality monitoring of state owned and managed swimming areas.

NOAA's Response: As described in these findings, NOAA commends OLISP for playing a vital role in the Long Island Sound Stewardship System and creating the Connecticut Coastal Access Guide.

Comment: *Coastal Management Needs of the CZMA: Assistance to support comprehensive planning, conservation, and management for living marine resources, including planning for the siting of pollution control and aquaculture facilities within the coastal zone.* The comments write that DEP was instrumental in developing a nitrogen total maximum daily load for Long Island Sound that led to the establishment of Connecticut Nitrogen Discharge Trading Program.

NOAA's Response: As described in these findings, NOAA applauds OLISP for its role in the development and implementation of Connecticut's Coastal Nonpoint Program.

APPENDIX E. SUMMARY TABLE OF ACCOMPLISHMENTS

Issue Area	Accomplishment
Coordination	OLISP is highly successful in its coordination with other programs both within DEP as well as with external federal, state, municipal, academic, industrial and private agencies and organizations.
Structure	OLISP is a well-integrated, efficient and effective program that links planning, permitting and scientific staff in the same office.
Program Document	OLISP has developed an innovative Coastal Management Manual.
Federal Consistency	OLISP uses the federal consistency process extremely well.
Coastal Permitting	OLISP has significantly reduced permit-processing time despite staffing shortfalls and increased permit applications.
Coastal Planning	OLISP provides outstanding assistance to municipalities, significantly contributes to innovative local waterfront revitalization efforts, and strongly promotes its commitment to public access.
Outreach	OLISP's efforts to improve outreach are exemplary.
Technology	OLISP has developed innovative electronic permit data and document retrieval capabilities. OLISP also creatively uses information technology to increase program efficiency.
Coastal Nonpoint Pollution Program	OLISP has played a key role in the development and implementation of Connecticut's Coastal Nonpoint Pollution Program.
Long Island Sound License Plate Program	OLISP successfully administers the innovative Long Island Sound License Plate Program.
Coastal Habitat Restoration	OLISP has a very active tidal wetland restoration program.

APPENDIX F. SUMMARY TABLE OF RECOMMENDATIONS

#	PS/NA	Recommendations
1	PS	As it is currently organized, OLISP is a well-integrated, efficient and effective program that links planning, permitting and scientific staff in the same office. A reorganization of OLISP could disrupt the office's operations and create barriers to effective communication and coordination. Therefore, NOAA strongly recommends that OLISP's current structure be maintained and used as a potential model for other programs.
2	NA	OLISP should continue to work with NOAA's CTCMP Specialist to develop a schedule for submitting program changes on a regular basis within one month of receipt of the Final Evaluation Findings. OLISP should continue to focus on the Connecticut Coastal Management Act and then proceed to other core statutes such as the Inland Wetlands and Watercourses Act; Tidal Wetlands Act; Structures, Dredging and Fill Act; Stream Encroachment; and Harbor Management Act. Finally, OLISP should address tertiary supporting regulations and statutes containing policies identified in the Program Document.
3	PS	NOAA encourages OLISP and DEP to refill the vacant permit analyst positions as soon as possible as it is crucial for OLISP to have a full complement of permit analysts to process the increased number of applications efficiently. It would not only be unfortunate but also unnecessary for permit processing times to increase because OLISP lost federally funded permit analyst positions in an effort to correct the state budget shortfall.
4	PS	NOAA recommends that in the near term, OLISP continues to look for opportunities to craft elements of a framework for a dredged material management plan. Once the Environmental Impact Statements for the western/central and eastern portions of Long Island Sound are complete, NOAA encourages OLISP to continue to work proactively with other relevant parties, including the Connecticut Department of Transportation's Marina Policy Subcommittee, to develop an appropriate dredged material disposal plan for Long Island Sound.